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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,302	08/20/2003	Michel Perrut	370497-519A	6027
38552	7590	04/14/2005	EXAMINER	
DECHERT LLP (WASHINGTON, DC OFFICE)			MENON, KRISHNAN S	
1775 I STREET, NW			ART UNIT	
WASHINGTON, DC 20006			PAPER NUMBER	
			1723	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/644,302

Applicant(s)

PERRUT, MICHEL

Examiner

Krishnan S Menon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 11-20 are pending after the preliminary amendment of 3/29/05

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 11,12 and 14 -20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schucker (US 5,430,224) in view of Feimer et al (US 4,962,270).

Schucker (224) teaches super-critical solvent extraction device with injection points, draw-off points, porous membrane separation elements in series (col 5 lines 8-25), and associated pumps (see figure 1), maintaining heat, concentrations and pressure above critical pressure (col 2 line 46 – col 3 line 15) as in instant claim 11. Schucker (224) also teaches hollow fiber membrane as in instant claim 12 (col 4 lines 46-56), in series and in counter current arrangement (col 4 lines 57-col 5 lines 23) . The solvent power of the solvent is held constant in each area by having constant trans-membrane pressure as in instant claim 14 (col 6 line 53- col 7 line 5). Pressure is maintained as in instant claim 14, balanced as in instant claim 19 and 20, and enthalpy as in instant claim 16 is maintained (col 2 line 46- col 3 line 15). Pumping system as in instant claim 17 (fig 1, col 2 line 46- col 3 line 15)

The primary reference teaches all the elements of the instant claims except for the specific injection/draw-off points in the multi-stage design as in instant claim 11, flow regulations specifically using a volumetric pump as in instant claim 18, and the change in solvent power of the solvent in each area in the direction of flow as in instant claim 15. Feimer (270) teaches a multi-stage series pervaporation process for separation of a multi-component mixture using membrane separation elements, which shows injection and multiple draw-off points depending on the number of components to be separated (fig 1 and 2; 4 line 63-col 5 line67). It would be obvious to one of ordinary skill in the art at the time of invention to design the multi-stage device with appropriately placed injection and draw-off points as taught by Feimer (270) in the teachings of Schucker (224) for a multi-component mixture separation. It would also be obvious to one of ordinary skill in the art at the time of invention to have volumetric pumps for the pumps used to control the flow rates in the teachings of Schucker (224). Regarding the change in solvent power of the solvent in the direction of flow in each area as in instant claim 15, it would be obvious to one of ordinary skill in the art at the time of invention that the solvent power would decrease in the direction of flow because the solvent pressure would decrease in the direction of flow and the solvent would pick up more and more solute in the direction of flow, and the concentration gradient constitutes the driving force (see Schucker col 6 lines 34-44).

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2. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schucker (US 5,430,224) in view of Feimer et al (US 4,962,270) as applied to claim 11 above, and further in view of Sirkar et al (US 5,868,935).

Schucker (US 5,430,224) in view of Feimer et al (US 4,962,270) does not teach polypropylene as the membrane material. Sirkar (935) teaches polypropylene membrane in an extraction device for separation of components from ionic mixtures (col 9 lines 11-48). It would be obvious to one of ordinary skill in the art at the time of invention to use a polypropylene membrane for solvent extraction as taught by Sirkar (935) in the teaching of Schucker (224) as alternate for non-hydrocarbon extractions.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee (US 2,947,687) teaches multicomponent hydrocarbons separation using membrane permeators in series. Subramaniam et al (US 6,113,795), and Rojey et al (US 4,925,459) teach super-critical solvent extraction with membranes. Zosel (US 3,969,196) teaches super-critical solvent extraction using multi-stage tray column.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S Menon whose telephone number is 703-305-5999. The examiner can normally be reached on 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Krishnan S. Menon  
Patent Examiner  
4/5/05

  
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